IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30508 of 2007(F)

PETITIONER:

BHARAT PETROLEUM CORPORATION LIMITED,
KOCHI REFINERY, AMBALAMUGHAL,
COCHIN-682 302, REP. BY ITS DEPUTY GENERAL
MANAGER (HR), KOCHI, MR.S.VIJAYAKUMAR.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.JAYASANKAR A.K.
SRI.ANIL D.NAIR

RESPONDENTS:
----

1. **COCHIN REFINERIES EVICTEES ASSOCIATION,**
   AMBALAMUGHAL, ERNAKULAM-682 302,
   REPRESENTED BY ITS CHAIRMAN, MR.JAYANTHAN
   NAMBOOTHIRIPAD.

2. **THE CITY POLICE COMMISSIONER,**
   KOCHI CITY, ERNAKULAM.

3. **THE CIRCLE INSPECTOR OF POLICE,**
   HILL PALACE POLICE STATION, TRIPUNITHURA.

4. **THE SUB INSPECTOR OF POLICE,**
   AMBALAMEDU POLICE STATION.

BY ADV. SRI. P.VIJAYAKUMAR
BY GOVERNMENT PLEADER SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LETTER DTD. 3/04/2007 ISSUED BY THE PETITIONER ADDRESSED TO THE DISTRICT COLLECTOR.

EXT.P2: COPY OF THE MINUTES OFMEETING CONVENED BY THE DISTRICT COLLECTOR DTD. 12/04/2007.

EXT.P3: COPY OF THE NOTICE DTD. NIL PUBLISHED BY THE 1ST RESPONDENT.

EXT.P4: COPY OF THE PHOTOGRAPH SHOWING THE POSTERS DISPLAYED BY THE EVICTEES ASSOCIATION.

EXT.P5: COPY OF THE INTERIM ORDER DTD. 11/04/2007 IN WPC.NO. 12412/2007.

EXT.P6: COPY OF THE JUDGMENT DTD. 22/08/2007 IN WP(C) NO. 12412/2007.

EXT.P7: COPY OF THE NOTICE DTD. 09/10/2007 ISSUED BY THE 1ST RESPONDENT.

EXT.P8: COPY OF THE PHOTOGRAPH SHOWING THE POSTERS AFFIXED TO THE COMPOUND WALLS OF THE PETITIONERS REFINERY AT AMBALAMUGAL.

EXT.P9: COPY OF THE PETITION FILED BY THE CHIEF SECURITY OFFICER OF THE PETITIONER BEFORE THE 2ND RESPONDENT DTD. 10/10/2007.

EXT.P10: COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DTD. 12/10/2007.

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO.30508 OF 2007-F

Dated 16th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is a public sector undertaking, engaged in refining and distribution of petroleum products. The 1st respondent has published a hand bill, proposing to hold a demonstration in front of the factory premises of the petitioner on 17.10.2007, to highlight certain grievances of them, regarding the failure of the petitioner to provide employment to the evictees. Since a few thousands are expected to assemble as part of the rally proposed to be held by the 1st respondent, the petitioner apprehends that there will be disruption of traffic, obstruction to the free ingress and egress of its vehicles and men. There is likelihood of damage to the vital installations of the company, it is submitted. Therefore, the petitioner has moved the police by filing Ext.P9 representation. Apprehending that the police may not discharge their statutory duty to maintain law and order and avert breach of peace, this writ petition is filed, seeking the following reliefs:

> "(i) issue a writ of mandamus or other appropriate writ, order or direction, directing respondents 2 to 4 to afford adequate and effective police protection for the free ingress and egress of employees, customers, visitors etc., and vehicles to and from the petitioner's Refinery at Ambalamugal in Cochin and for the movement of petroleum products.
>
> (ii) issue a writ of mandamus or other appropriate writ, order or direction, directing respondents 2 to 4 to ensure that law and order is strictly maintained in the periphery of the main entrance to the petitioner's Refinery at Ambalamugal in Cochin, in the event any dharna, march or demonstrations are taken out by the members of the first respondent Association as threatened in Exhibit P7 notice."

2. The learned Government Pleader, upon instructions, submitted that the police will take all possible and effective steps to maintain law and order and avert breach of peace. The learned counsel for the 1st respondent submitted that the said respondent intends to hold only a peaceful demonstration and a public meeting. The 1st respondent has no intention whatsoever to block the ingress and egress of the petitioner's vehicles and men. They do not propose to cause any damage to the petitioner's installations or its vehicles also. The learned counsel for the 1st respondent also prayed that the said respondent's right to hold demonstrations and meetings may not be interfered with.

3. We record the submission of the learned Government Pleader made above and also the submissions made by the learned counsel for the 1st

respondent regarding the nature of the demonstration and the meeting the 1st respondent proposes to hold. The police shall ensure that law and order is maintained and the ingress and egress of the petitioner's vehicles and men are not obstructed by the demonstrators. But, they shall not interfere with the right of the members of the 1st respondent to hold peaceful demonstration or public meeting, because it is a fundamental right of them guaranteed under Article 19 of the Constitution of India.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/